

CIVIL NO. 1:06CV158

Defendant.

ORDER OF DISMISSAL

On September 7, 2006, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed findings of fact and

conclusions of law in support of a recommendation regarding Defendant's motion to dismiss or, in the alternative, for summary judgment. The Plaintiff, who is proceeding *pro se*, and Defendant's counsel were advised that any objections to the Magistrate Judge's findings were to be filed in writing within 14 days of service of the Recommendation; the period within which to file objections expired on September 25, 2006. No written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed findings of fact are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that the Defendant's motion to dismiss be allowed.

IT IS, THEREFORE, ORDERED that the Defendant's motion to dismiss is **ALLOWED**, and this matter is hereby **DISMISSED WITH PREJUDICE** in its entirety.

Signed: October 2, 2006



Lacy H. Thornburg
United States District Judge

